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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Ralf Reiner Schumann and Norbert Lamping

Serial Number: 09/484,121 Group Art Unit: 1653

Filed: January 13, 2000 Examiner: C. Kam

For: THERAPEUTIC AGENT FOR THE TREATMENT OF SEPTICAEMIA, ITS PREPARATION AND USE

Attorney Docket No. 0107-020

Commissioner of Patents
Washington DC 20231

SUPPLEMENTAL RESPONSE

Further to the amendment filed December 11, 2001, please replace the following paragraph on page 3 of the amendment:

The present invention claims priority to German patent application No. 197 29 810.9, filed on July 11, 1997. An affidavit under 37 CFR 1.131 will be submitted to demonstrate prior invention.

with the following argument:

Applicants submit that Lamping does not disclose the agent of the invention. The Office Action states that "Lamping *et al.* teach the inhibition of LBP-LPS interaction by human recombinant LBP (meets criteria of claims 12 and 13), LBP-peptides with mutation at amino acid position 94 and 95 (meets claim 17 criteria, and chimeric mutants such as LBP-BPI and LBP-LALF (meets claim 17 criteria, see whole document)." (page 9, paper 14). There are really two parts to the Examiner's statements: 1) that Lamping teaches the inhibition of LBP-LPS interaction by human recombinant LBP; and 2) that Lamping teaches LBP-peptides with mutation at amino acid position 94 and 95. Since claim 17 has been canceled, only claims 12 and 13 need to be addressed. Claim 12 has been amended to exclude variants, mutants and hybrids. Therefore, the second part of the Examiner's statement no longer needs to be considered. The Examiner is mistaken in stating that the inhibition of LBP-LPS interaction by human recombinant LBP is taught or disclosed in Lamping. Lamping does not teach or suggest the use of LBP to inhibit LBP-LPS interaction. It is known that human LBP binds to LPS. That

is the mechanism of the inflammatory response. However, the present invention is the first to suggest the use of recombinant LBP itself as an inhibitor for the LBP-LPS interaction.

Respectfully submitted,

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Enclosures

It is hereby certified that this is being mailed and faxed, as addressed above, on December 12, 2001.

Gabriel P. Katona